

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 21, 1992  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Roberts at 2:06 p.m. Deputy Mayor Roberts reflected Council's strong feelings of sympathy to Mayor O'Connor and her family at the loss of their mother, Frances Shinnick O'Connor. Deputy Mayor Roberts adjourned the meeting at 5:22 p.m. to meet in Closed Session on September 22, 1992 at 9:30 a.m. in the 12th floor conference room to discuss pending litigation and meet and confer.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-280801 (personal)
- (1) Council Member Wolfsheimer-excused by  
R-280803 (MTDB business in London, England,  
and vacation)
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (so)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Philip M. Teran of Grace Brethren Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hartley.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell - interest on the National debt.

ITEM-PC-2:

Colin Flaherty - absence of Council Member Bob Filner at Council meetings.

ITEM-PC-3:

Jim Smith - Council Member Filner's absence at Council meetings and enforcement of the City Charter.

ITEM-PC-4:

Lorne Flemming - urged Council to do the right thing in regard to Council Member Filner's absences.

ITEM-PC-5:

Bonnie Anderson - police treatment being unfair to residents of District 4.

ITEM-PC-6:

David Ginsburg - organized politics are responsible for the issue of Council Member Filner's attendance.

ITEM-PC-7:

James Wilburn - in support of Council Member Filner.

ITEM-PC-8:

Scott Alevy - in support of Council Member Filner.

ITEM-PC-9:

David Gomez - in support of Council Member Filner.

ITEM-PC-10:

Francisco B. Dolag - in support of Council Member Filner.

ITEM-PC-11:

Mia G. Soracco - in support of Council Member Filner.

ITEM-PC-12:

Aurora Tirado - in support of Council Member Filner.

ITEM-PC-13:

Elodia Gonzales - in support of Council Member Filner.

ITEM-PC-14:

John W. Chaney opposed the endless political public testimony and the precedent it sets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D223-E186.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Stevens invited everyone to visit the parks in his district which are safe.

ITEM-CC-2:

Council Member Stallings explained Council Member Filner's involvement in the Clean Water Program in Washington, D.C. which was at her request.

ITEM-CC-3:

Council Member Filner described the accusations against him are by known criminals who were former council members and clarified that his attendance is in accord with the City Charter.

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Monday, September 21, 1992**

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E186-284.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

8/10/92  
8/11/92  
8/17/92 Adjourned  
8/18/92 Adjourned  
8/21/92 Special  
8/24/92 Adjourned  
8/25/92 Adjourned  
8/31/92 Adjourned  
9/01/92 Adjourned  
9/07/92 Adjourned  
9/08/92 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A057-063.)

MOTION BY HARTLEY TO APPROVE. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-31: APPROVED

Proclaiming September 23 through 30, 1992 to be "Waste Reduction Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A063-137.)

MOTION BY McCARTY TO APPROVE. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Robert-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-100: (R-93-287) ADOPTED AS RESOLUTION R-280675

Awarding a contract to Ortiz Corporation for the Construction of Force Main For Pump Station No. 43 on Work Order No. 172501;

authorizing the expenditure of funds not to exceed \$634,093.40;

authorizing the Auditor and Comptroller to transfer \$100,000 from CIP-44-001.0, Annual Allocation for Sewer Main Replacement to CIP-41-920.0, Sewer Pump Station No. 43; authorizing an additional expenditure of funds not to exceed \$100,000 to supplement \$534,093.40 which was previously authorized by Resolution R-279961 for the construction of the Force Main for Sewer Pump Station No. 43 from Sewer Revenue Fund 41506, CIP-41-920.0, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K3159/92)

(Mission Bay Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On June 26, 1992, nine bids were opened for the construction of a Force Main for Sewer Pump Station No. 43. The original low bid submitted by Southern California Underground Contractors, Inc. was withdrawn at their request due to a substantial change to their bid amount that resulted from their not receiving mailed Addenda C and D. The second low bid, submitted by Ortiz Corporation, was 12 percent higher than the engineer's estimate. Upon review of the bids, staff concluded that the engineer's unit price for the pipe, cleanouts and manholes were much lower than the contractor's and that readvertisement would not result in lower bids. Therefore, it is recommended that the current low bid be accepted.

Aud. Cert. 9300216.

WU-P-93-007.

FILE LOCATION: CONT - Ortiz Corporation CONFY93-1

COUNCIL ACTION: (Tape location: B572-C003.)

MOTION BY STEVENS TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO PROVIDE MONTHLY INFORMATIONAL REPORTS TO THE COUNCIL ON THE MBE/WBE WORK FORCE ANALYSES THAT ARE SUBMITTED BY CONTRACTORS. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-101:

Three actions relative to the Construction of Water and Sewer Main Replacement Group 483:

(Uptown Community Area. District-2.)

Subitem-A: (R-93-284) ADOPTED AS RESOLUTION R-280676

Inviting bids for the Construction of Water and Sewer Main Replacement Group 483 on Work Order No. 171111/180721;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$853,916 from CIP-44-001, and \$1,360,879 from CIP-73-083, contingent upon City Council approval of the FY 1993 CIP budget, for providing funds for said project and related costs. (BID-K3390/93)

Subitem-B: (R-93-285) ADOPTED AS RESOLUTION R-280677

Authorizing the use of City Forces to make connections, install certain appurtenances, and perform operational checks; declaring that the cost of the work shall not exceed \$244,381.

Subitem-C: (R-93-286) ADOPTED AS RESOLUTION R-280678

Certifying that the information contained in Environmental Negative Declaration, DEP-90-0329, dated April 29, 1991, in connection with the Construction of Water and Sewer Main Replacement Group 483, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Water and Sewer Main Replacement Group 483 proposes to replace old and deteriorated concrete sewer and cast iron water mains in the Uptown community area. This project consists of the replacement of approximately 8,826 feet of cast iron water mains, and 5,217 feet of concrete sewer mains and lining of 253 feet of concrete sewer main in the subject area. This project is part of the City of San Diego's on-going cast iron water and concrete sewer main replacement program.

Aud. Cert. 9300061.

WU-P-92-156.

FILE LOCATION: W.O. 171111/180721 CONT-Dorfman Construction Co. CONFY93-1

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-102: (R-93-391) ADOPTED AS RESOLUTION R-280679

Granting an extension of time to October 7, 1993 to Miramar Road Auto Center Properties, subdivider, to complete the construction of the traffic signal at Miramar Road and Miramar Place under the Traffic Signal Reimbursement Agreement.

(University Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On October 7, 1991 the City of San Diego entered into a Traffic Signal Reimbursement Agreement (City Council Resolution R-278777-1) with Miramar Road Auto Center Properties (developer), for the construction of the traffic signal at Miramar Road and Miramar Place. The agreement requires the City to reimburse the developer for the total cost of construction of the traffic signal, not to exceed \$25,000, upon completion of the job.



Engineering Permit No. W-40375 was issued for construction of the signal, and the developer was required to complete construction by September 18, 1992. Due to current economic conditions, Miramar Road Auto Center Properties is not in a position to complete the widening of Miramar Place, and consequently, the traffic signal improvements, at this time. The intent was to move the existing traffic signal to a new location required by the widening of Miramar Place, and to complete the widening concurrently with the subdivision improvements as called for in the Subdivision Improvement Agreement (City Council Resolution R-278775), scheduled for completion by October 7, 1993.

Miramar Road Auto Center Properties requests that the agreement be extended to October 7, 1993. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

FILE LOCATION: SUBD - Miramar Road Auto Center

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-103: (R-93-407) ADOPTED AS RESOLUTION R-280680

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company, an easement for electrical purposes in a portion of the Southwest Quarter of Section 34, Township 16 South, Range 2 West, San Bernardino Meridian.

(Oak Park Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: San Diego Gas and Electric Company (SDG&E) has requested an easement upon City right-of-way along 54th Street, between Krenning Street and Caminito Mindy. SDG&E is requesting the easement for underground utility conversion.

According to the San Diego Municipal Code Sections 61.0501 - 61.0517, Division 5 titled "Underground Utilities Procedural

Ordinance" all overhead utilities within this district should be placed underground at the company's expense. According to SDG&E, the easement shall be 10 feet in width and 179 feet in length. The easement will cut across the ingress and egress used by the Fire and Library Departments; however, SDG&E will complete its work in such a manner that operations will not be affected. The Fire Department and the Library Department have given their approval to grant the easement.

FILE LOCATION: DEED F-5896 DEEDFY93-1

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-104: (R-93-393) ADOPTED AS RESOLUTION R-280681

Adopting the revised Conflict of Interest Code for the City of San Diego's Agricultural Advisory Board.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On March 15, 1982 Council approved the Conflict of Interest Code for the Agricultural Advisory Board. The Conflict of Interest Code is being amended to comply with Council Resolution R-275742, adopted May 1990, which requires that all City Advisory Boards, commissions, and committees have Conflict of Interest Codes and file Statements of Economic Interests. This amendment updates the Code itself and adds Exhibit A, List of Designated Positions; and Exhibit B, Disclosure Categories, to conform to overall City Policy.

The City Attorney's office has reviewed the proposed revisions to the Agricultural Advisory Board's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Board members filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-105: (R-93-381) ADOPTED AS RESOLUTION R-280682

Adopting the revised Conflict of Interest Code for the  
City Council Departments and Administration of the City  
of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

ITEM-106: (R-93-411) ADOPTED AS RESOLUTION R-280683

Adopting the City Manager's recommendation that no  
change to the Centre City Development Corporation's  
Conflict of Interest Code be made at this time.

(See memo from CCDC dated 6/24/92.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C292-300.)

MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by  
the following vote: Wolfsheimer-not present, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-107: (R-93-277) ADOPTED AS RESOLUTION R-280684

Adopting the Conflict of Interest Code for the  
Historical Site Board of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-108: (R-93-410) ADOPTED AS RESOLUTION R-280685

Adopting the recommendation that no change to the  
Horton Plaza Theatres Foundation's Conflict of Interest  
Code be made at this time.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-109: (R-93-357) ADOPTED AS RESOLUTION R-280686

Amending the Conflict of Interest Code for the City of  
San Diego's Police Department.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act  
of 1974 (Government Code Section 87300, et. seq.) requires all  
agencies to prepare and submit for approval a Conflict of  
Interest Code to the City Council. On April 27, 1977, Council  
approved the Conflict of Interest Code for the Police Department.  
The Conflict of Interest Code has been amended three times to

reflect organizational changes. This amendment again updates Exhibit A of the code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code. This amendment also updates the Code itself. The City Attorney's Office has reviewed the proposed revisions to the Police Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC).

Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-110: (R-93-392) ADOPTED AS RESOLUTION R-280687

Amending the Conflict of Interest Code for the City of San Diego's Property Department.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On August 17, 1977 Council approved the Conflict of Interest Code for the Property Department. The Conflict of Interest Code has been amended one time to reflect organizational changes.

This amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code. This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office

has reviewed the proposed revisions to the Property Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-111: (R-93-378) ADOPTED AS RESOLUTION R-280688

Amending the Conflict of Interest Code for the City of San Diego's Water Utilities Department.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977 Council approved the Conflict of Interest Code for the Water Utilities Department. The Conflict of Interest Code has been amended four times to reflect organization changes. This amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code. This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Water Utilities Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

WU-U-93-024.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-112: (R-93-380) ADOPTED AS RESOLUTION R-280689

Prohibiting commercial vehicles with a gross vehicle  
weight rating of over 10,000 pounds from operating on  
Kirkcaldy Drive between Armour Street and Othello  
Avenue and Armour Street between Kirkcaldy Drive and  
Ruffner Street; authorizing the installation of the  
necessary signs and markings; the regulations shall  
become effective upon the installation of the signs.

(Serra Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The proposed restriction  
prohibiting vehicles with a five ton or more gross vehicle weight  
rating capacity on Kirkcaldy Drive between Armour Street and  
Othello Avenue, and Armour Street between Kirkcaldy Drive and  
Ruffner Street was petitioned for by the residents that live in  
this area. A study of these locations revealed that a  
substantial number of large vehicles use these streets as a  
short-cut to avoid major streets.

Kirkcaldy Drive and Armour Street are located within a  
residential neighborhood. Balboa Avenue and Convoy Street are  
the adjacent major roads designed to handle truck traffic and  
should be used as the allowable routes. Staff recommends  
implementation of the requested restrictions at the above  
locations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,

Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-113:

Six actions relative to authorizing Suggestion Awards to the following City employees:

Subitem-A: (R-93-318) ADOPTED AS RESOLUTION R-280690

Elaine S. Townsend - Treasurer/Special Assessments - \$45.

Subitem-B: (R-93-319) ADOPTED AS RESOLUTION R-280691

Angela Walker - Police/Fiscal - \$160.

Subitem-C: (R-93-320) ADOPTED AS RESOLUTION R-280692

Mitchell Eagles - General Services/Asbestos Program - \$160.

Subitem-D: (R-93-321) ADOPTED AS RESOLUTION R-280693

Jeffrey F. McAnally - Water Utilities/Metro - \$233.55.

Subitem-E: (R-93-322) ADOPTED AS RESOLUTION R-280694

Hirendira Sandoval - General Services/Streets - \$280.

Subitem-F: (R-93-323) ADOPTED AS RESOLUTION R-280695

James D. Bozeman - E&D/Traffic - \$320.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.



ITEM-114: (R-93-397) ADOPTED AS RESOLUTION R-280696

Approving the City Manager's Report regarding Developer Fees, and declaring that the information contained in the report is the City's publicly available information on the City's Development Impact Fee Program.

(See City Manager Report CMR-92-275.)

WU-U-93-029.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C300-375.)

MOTION BY STEVENS TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-115: (R-93-432) ADOPTED AS RESOLUTION R-280697

Approving the application and assurances for grant funding for acquisition and development projects within Otay Valley Regional Park.

(Otay Mesa-Nestor and Otay Mesa Community Areas.  
District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Cities of San Diego and Chula Vista and the County of San Diego, acting in partnership, have been very much interested in preserving the Otay River Valley as a regional open space park. In 1989, the City of San Diego, working through its lobbyist, successfully secured a \$1.5 million grant for projects in Otay River Valley (Senate Bill 735). The State Coastal Conservancy was assigned to administer the grant. An application must now be submitted to that agency to further define the scope of work. In October 1992, the Coastal Conservancy Board will review the proposed uses for the funding, which are: (1) to acquire parcels in the Otay River Valley for purposes of creating a regional park; and (2) to use any monies remaining on restoration projects in the park.

The uses have been proposed by joint staff and elected officials of the Cities of Chula Vista and San Diego, and the County of San

Diego, pursuant to the Otay River Valley Joint Exercise of Powers Agreement.

The Joint Exercise of Powers Agreement among the Cities of Chula Vista and San Diego and the County of San Diego was established for planning and acquisition for the Otay Valley Regional Park. It was finalized by the San Diego City Council as Resolution R-275620 on April 30, 1990. The Coastal Conservancy requires a resolution of the local agency reflecting support of the project. This resolution will be provided to them at their October 1992 meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-116: (R-93-358) ADOPTED AS RESOLUTION R-280698

Authorizing the City Manager to apply for and execute a Grant Application Proposal from the National Institute of Justice entitled "Measuring Police Performance in San Diego: From Professional to Community Based Policing."

CITY MANAGER SUPPORTING INFORMATION: The San Diego Police Department, in response to a request for proposal from the National Institute of Justice, has developed a proposal for Performance Measurement for Community Policing. The proposal requests \$373,900 to develop and implement a prototype system to measure the effectiveness of community oriented policing. The program builds upon existing information systems within the Department, and the ongoing commitment to community oriented policing throughout the City. The proposal requests funding for Department staff, software development, and training. In addition, the program requires close association with a qualified research team in system development, implementation, documentation, and analysis. The research team is directed by Jack R. Green, Ph.D., Director, Center for Public Policy, and

Professor, Department of Criminal Justice, Temple University,  
Philadelphia.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-117: (R-93-236) ADOPTED AS RESOLUTION R-280699

Authorizing the expenditure of an amount not to exceed  
\$30,000 from CIP-53-037.0, Annual Allocation -  
Earthquake Restrainers for Bridges, for the seismic  
retrofit of Harbor Drive Bridge over Chollas Creek for  
construction contingencies.

(Barrio Logan Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This project provides for  
seismic retrofit improvements of the Harbor Drive Bridge over  
Chollas Creek. The principal design features include (1) new  
bearing walls at abutments, (2) providing longitudinal  
restrainers and beam seats at hinges, and (3) constructing  
reinforced concrete infill walls between columns. This is the  
ninth City bridge to undergo state-of-the-art rehabilitation in  
regard to structural stability during a strong earthquake.  
Currently, the project is 40 percent complete and 56 construction  
days remain (as of June 25, 1992). The new bearing walls at  
abutments (Item 1 above) are 50 percent complete; however, the  
field conditions varied significantly from the as-builts used in  
the design. Large quantities of steel were encountered at these  
abutments which required a change in construction methods,  
expending the contingency funds. In order to complete the  
project and allow for any future necessities at the site,  
additional funds are being requested. Item (2) longitudinal  
restrainers and beam seats at hinges, and Item (3) reinforced  
concrete infill walls between columns are proceeding  
satisfactorily.

Aud. Cert. 9300081.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-118: (R-93-363) ADOPTED AS RESOLUTION R-280700

Approving the Water Utilities Training Facility Fee  
Schedule as set forth in City Manager's Report  
CMR-92-272.

(See City Manager Report CMR-92-272.)

FILE LOCATION: WATER - Water Utilities Training Facility Fee  
Schedule

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-119: (R-93-394) ADOPTED AS RESOLUTION R-280701

Approving an installment purchase financing to be  
undertaken by the California Statewide Communities  
Development Authority to benefit the Institute for  
Defense Analyses.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Institute for Defense  
Analyses, a nonprofit research institution based in Alexandria,  
VA, has requested that the City hold a public hearing supporting  
issuance by the California Statewide Communities Development  
Authority Joint Powers Agency (the "JPA") of up to \$4,525,000 of

Industrial Development Bonds ("IDB's") for the purpose of financing a 30,000-square-foot mathematics, communications and high-speed computing research facility located on Lot 4-A in the Eastgate Technology Park. The JPA has given preliminary approval of the project and will be the Issuer. It has issued approximately half the IDB's completed in California in recent years and is endorsed by the League of California Cities and the County Supervisors' Association of California. The JPA issues only investment grade bonds. The City's name will not appear on the bonds and there will be no further City involvement in the transaction. By approving this financing through the JPA, the Council will be facilitating development of an important new research facility on City-owned industrial land intended to be used for that purpose. It will also be supporting the growth and diversification of the local economy and the direct creation of 25-30 new high technology research jobs, all without any financial or administrative obligation on the part of the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-120: (R-93-359) ADOPTED AS RESOLUTION R-280702

Authorizing the City Manager to apply for, execute, and if selected accept and expend a Grant Application Proposal from the National Institute of Justice for a Drug Market Analysis Program Cooperative Agreement, Phase II.

CITY MANAGER SUPPORTING INFORMATION: The San Diego Police Department has been invited by the National Institute of Justice to apply for Phase II funding of the Drug Market Analysis Grant Program. Phase I provided funds for the Department's Crime Analysis Division and Narcotics Section to develop automated narcotics information and mapping systems to support drug enforcement efforts throughout the Department. The program included sub-contract funds for the Police Executive Research Forum to evaluate the program. The Phase II proposal requests a

total of \$300,000 to develop and implement new systems to compare traditional narcotics enforcement strategies with problem-oriented or situational approaches, and to measure displacement of narcotics activity. Phase II will also feature cooperation of other area agencies, and some regionalization of program application. Phase II is projected to operate for 18 months, and will provide \$169,936 for Police Department staff, mandatory travel, and computer enhancements. Phase II also requires continuation of the contract evaluation by Police Executive Research Forum, at a total cost to the grant of \$130,064.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-121: (R-93-409) ADOPTED AS RESOLUTION R-280703

Adopting the City of San Diego's Supplemental Pension Savings Plan (SPSP) as amended and restated.

CITY MANAGER SUPPORTING INFORMATION: The City Council adopted Resolution R-255609 on January 4, 1982, establishing a Supplemental Pension Savings Plan for eligible employees. Attached to Resolution R-255609 and referred to as Attachment B was a Plan Document containing all information about and related to the terms and conditions of the Plan. The Plan has subsequently been amended on July 19, 1982; May 29, 1984; October 6, 1986; January 12, 1987; and January 1, 1989. Resolution R-264418, adopted on November 12, 1985, authorized the City Manager to effectuate future changes to the Plan without requirement of vote when such changes are necessary to bring the Plan into legal conformance with Federal or State Law. The purpose of this action is to include changes for compliance with the Omnibus Budget Reconciliation Act of 1990 (pertaining to FICA Social Security Coverage); add definitions generally required by the Internal Revenue Service for compliance with the elapsed time method of vesting; and, include changes for discrimination testing as specified under Section 401(m) of the Internal Revenue

Code. The Section 401(m) changes are the result of proposed or final regulations issued by the Internal Revenue Service and affect the definition of "Highly Compensated Employees" and the treatment of excess contributions and any compliance required in Sections 3.04 and 3.05 of the Plan Document. Finally, at the request of the City Treasurer, Trustee, wording clarification pertaining to Earned Interest Yield and Earned Investment Yield was made to accurately reflect existing practice.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-122: (R-93-309) ADOPTED AS RESOLUTION R-280704

Authorizing the City Manager to amend the City of San Diego 401(k) Plan for changes as a result of proposed and final regulations issued by the Internal Revenue Service for discrimination testing under Section 401(m) of the Internal Revenue Code.

CITY MANAGER SUPPORTING INFORMATION: The City Council, as part of the FY 1986 Salary Ordinance, authorized the 401(k) Plan as a benefit option for both the Flexible Benefit and Management Benefits Plans as contained in Resolution R-263371, adopted on June 10, 1985. The City of San Diego established this Plan effective July 1, 1985, to provide a tax efficient method of retirement savings by its employees. The City Council adopted Resolution R-272953, on February 27, 1989, which formally authorized the adoption of the amended and restated Plan. This action includes changes required by the Internal Revenue Service for discrimination testing under Section 401(m) of the Internal Revenue Code. The Section 401(m) changes are the result of proposed or final regulations issued by the Internal Revenue Service and affect the definition of "Highly Compensated Employee" and the treatment of excess contributions. At the request of the City Treasurer, Trustee, wording clarification pertaining to Earned Interest Yield and Earned Investment Yield was made to accurately reflect existing practice.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-123: (R-93-280) ADOPTED AS RESOLUTION R-280705

Establishing a City of San Diego Supplemental Pension  
Savings Plan-Hourly for eligible employees of the City.

CITY MANAGER SUPPORTING INFORMATION: The City Council adopted Resolution R-255609 on January 4, 1982, establishing a Supplemental Pension Savings Plan for eligible employees. In 1986, the City Council approved a separate SPSP-Medicare Plan with amended participation rates for employees mandated by Federal Law to pay Medicare payroll taxes. The Supplemental Pension Savings Plan Hourly is established effective July 1, 1991 pursuant to the requirements of the Omnibus Budget Reconciliation Act of 1990 (OBRA) requiring employee coverage under a retirement system in lieu of coverage under the Federal Insurance Contributions Act (FICA). The SPSP-H Plan was approved by the City Council as part of the 1992 Salary Ordinance O-17648 adopted May 28, 1991. SPSP-H will provide hourly employees and Police Recruits a convenient method of saving and provides supplemental pension benefits. Employees in the SPSP-H Plan have a mandatory 3.75 percent contribution which is matched 100 percent by the City. Employees in this Plan are always 100 percent vested in their mandatory contributions and the City's matching contributions plus any investment earnings on those contributions. Employees terminating will receive the full value of their account in a single lump sum cash payment. If the employee goes from an hourly status to a benefitted position, or from Police Recruit to a Sworn Police Officer, the account will remain intact earning interest until termination from service. Hourly employees transferring to a benefitted status will be eligible to participate in the SPSP/SPSP-M Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)



CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

\* ITEM-124: (R-93-404) ADOPTED AS RESOLUTION R-280706

Adopting the City of San Diego's Supplemental Pension  
Savings Plan M (SPSP-M) as amended and restated.

CITY MANAGER SUPPORTING INFORMATION: The City Council adopted  
Resolution R-255609 on January 4, 1982, establishing a  
Supplemental Pension Savings Plan for eligible employees. In  
1986, the City Council approved a separate SPSP Plan with amended  
participation rates for employees who were mandated by Federal  
Law to pay Medicare payroll taxes. The SPSP-Medicare Plan has  
subsequently been amended on January 12, 1987 and January 1,  
1989. Resolution R-264418, adopted on November 12, 1985,  
authorized the City Manager to effectuate future changes to the  
Plan without requirement of vote when such changes are necessary  
to bring the Plan into legal conformance with Federal or State  
Law. The purpose of this action is to include changes for  
compliance with the Omnibus Budget Reconciliation Act of 1990  
(pertaining to FICA Social Security Coverage); add definitions  
generally required by the Internal Revenue Service for compliance  
with the elapsed time method of vesting; and, include changes for  
discrimination testing as specified under Section 401(m) of the  
Internal Revenue Code. The Section 401(m) changes are the result  
of proposed or final regulations issued by the Internal Revenue  
Service and affect the definition of "Highly Compensated  
Employee" and the treatment of excess contributions and any  
compliance required in Sections 3.04 and 3.05 of the Plan  
Document. Finally, at the request of the City Treasurer,  
Trustee, wording clarification pertaining to Earned Interest  
Yield and Earned Investment Yield was made to accurately reflect  
existing practice.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,

Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-125: (R-93-269) ADOPTED AS RESOLUTION R-280707

Authorizing the execution of an agreement with City Heights Development Corporation, for the Community Adopt-A-Light Project; authorizing the City Auditor and Comptroller to expend an amount not to exceed \$80,000 from Fund 18528, Dept. 4022, Org. 2202, for providing funds for the above project.

(District-3.)

CITY MANAGER SUPPORTING INFORMATION: As part of the Community Development Block Grant (CDBG) allocation for 1992, the City Council approved a request from the City Heights Community Development Corporation (CDC) in an amount of \$80,000 to develop and implement a community Adopt-A-Light project in City Heights. The City Heights CDC will manage and implement the project by identifying areas in need of enhanced lighting, securing technical assistance, forming a community advisory panel, outreach, actual installation of lights and overall monitoring and evaluation of the program.

Aud. Cert. 9300077.

NOTE: See Items 126 and 127 for companion items.

FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-126: (R-93-305) REFERRED TO PS&S COMMITTEE

Amending Council Policy 700-2 regarding Community Development Corporations Board of Director Elections.

(See City Manager Report CMR-92-271. Mid-City, North Park, Greater Golden Hill and Linda Vista Community Areas. Districts-3, 5, 6 and 8.)

NOTE: See Items 125 and 127 for companion items.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C375-D225.)

MOTION BY HARTLEY TO REFER THE ISSUE OF COMMUNITY PARTICIPATION TO THE PS&S COMMITTEE TO WORK OUT A PLAN FOR MORE OPEN MEETINGS AND ELECTIONS AND TO CONSIDER THE ISSUE OF HAVING PUBLIC INPUT IN REGARD TO THE CDBG BLOCK GRANTS. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-127:

Four actions relative to amendments to the agreements with the City Heights, Greater Golden Hill, Linda Vista and Normal Heights Community Development Corporations:

(Mid-City, North Park, Greater Golden Hill and Linda Vista Community Areas. Districts-3, 5, 6 and 8.)

Subitem-A: (R-93-443) ADOPTED AS RESOLUTION R-280708

Authorizing the execution of an amendment to the agreement with the City Heights Community Development Corporation, for neighborhood development activities; authorizing the expenditure of an amount not to exceed \$78,333 from Fund 18528, Dept. 4030, Org. 3001, for providing funds for the above project.

Subitem-B: (R-93-442) ADOPTED AS RESOLUTION R-280709

Authorizing the execution of an amendment to the agreement with the Greater Golden Hill Community Development Corporation, for neighborhood development activities; authorizing the expenditure of an amount not to exceed \$78,333 from Fund 18528, Dept. 4030, Org. 3002, for providing funds for the above project.

Subitem-C: (R-93-441) CONTINUED TO OCTOBER 19, 1992

Authorizing the execution of an amendment to the agreement with the Linda Vista Community Development Corporation, for neighborhood development activities; authorizing the expenditure of an amount not to exceed \$70,000 from Fund 18528, Dept. 4030, Org. 3003, for providing funds for the above project.

Subitem-D: (R-93-440) ADOPTED AS RESOLUTION R-280710

Authorizing the execution of an amendment to the agreement with the Normal Heights Community Development Corporation, for neighborhood development activities; authorizing the expenditure of an amount not to exceed \$36,667, from Fund 18528, Dept. 4030, Org. 3005, for providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: The City Council, in the 1992-93 Community Development Block Grant (CDBG) appropriation cycle, approved \$100,000 grants for City Heights CDC and Greater Golden Hill CDC; a \$90,000 grant for Linda Vista CDC; and a \$50,000 grant for Normal Heights CDC for neighborhood development activities. Major activities include maintaining meeting spaces for residents and business owners, promotion of special events, development and implementation of revitalization and redevelopment of the respective communities. Interim contracts were approved by City Manager's action for the period of September 1, 1992 through October 31, 1992 to ensure that the agencies cash flow was maintained and to avoid a disruption of service to the four communities.

Aud. Cert. 9300222, 9300245-9300247.

NOTE: See Items 125 and 126 for companion items.

FILE LOCATION: Subitems A,B & D: MEET; Subitem-C: CONTFY93-4

COUNCIL ACTION: (Tape location: C375-D225.)

MOTION BY HARTLEY TO ADOPT SUBITEMS A, B, AND D. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

MOTION BY BEHR TO CONTINUE SUBITEM-C TO OCTOBER 19, 1992 TO REVIEW CONCERNS ON HOW EFFECTIVE THIS GROUP HAS BEEN, TO ALLOW TIME FOR THE CDC BOARD TO MEET WITH COUNCIL MEMBERS BEHR AND STALLINGS TO GO THROUGH THEIR OBJECTIVES AND PRIORITIES TO SEE WHERE THEIR NEEDS ASSESSMENT IS, AND TO MAKE SOME DECISIONS ON THE FUTURE OF THE LINDA VISTA CDC. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-200: (O-93-30) CONTINUED TO OCTOBER 5, 1992

(Continued from the meeting of August 3, 1992, Item 206, at Councilmember Hartley's request, to come back with the Homeless Strategy Task Force's recommendations.)

Introduction of an Ordinance declaring that a shelter crisis exists among the homeless population of the City pursuant to Government Code Section 8698.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A266-B046.)

MOTION BY McCARTY TO CONTINUE TO OCTOBER 5, 1992 AT MAYOR O'CONNOR'S REQUEST SO SHE COULD BE PRESENT. DIRECT THE CITY MANAGER TO REQUEST THAT A REPRESENTATIVE FROM CCDC AND THE HOUSING COMMISSION ATTEND THE MEETING TO ADDRESS THE POTENTIAL OF PROVIDING AVAILABLE FUNDS FROM CCDC'S APPROVED BUDGET AND ANY FUNDS THAT MAY BE AVAILABLE FOR THE HOUSING TRUST FUND TO BE USED FOR THE CONSTRUCTION AND OPERATION OF SHELTERS FOR THE HOMELESS. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Motion by Hartley to amend the motion to place the eight alternatives listed on the City Manager's report on the docket in two weeks with direction to the City Attorney to prepare the appropriate ordinances and resolutions for Council's consideration at that time. Direct the City Manager to request that a representative from CCDC and the Housing Commission attend the meeting to address the

potential of providing available funds from CCDC's approved budget and any funds that may be available for the Housing Trust Fund to be used for the construction and operation of shelters for the homeless. No second.

Motion by Hartley to direct the City Manager and the City Attorney to return in two weeks with the appropriate language for an emergency ordinance or resolution for Council's consideration of an urban campsite in Balboa Park. Second by Stallings. Failed by the following vote: Yeas-3,4,6,8. Nays-2,5,7. Not present-1,M.

ITEM-201: (R-93-179) ADOPTED AS RESOLUTION R-280711

Declaring that the Council supports the expansion of the San Diego Convention Center; requesting the City of San Diego and the San Diego Unified Port District to meet and confer at the earliest possible time on whether the Convention Center should be expanded.

(Centre City Community Area. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-202: CONTINUED TO A SPECIAL MEETING ON OCTOBER 1, 1992 AT 1:00 P.M.

Matter of a proposal to approve the following:

1. Adoption of the North City Future Urbanizing Area Framework Plan as an amendment to the Progress Guide and General Plan, including but not limited to amendments to the Open Space, Transportation, and various land use elements, as well as the Guidelines for Future Development.

2. Amendments to the City of San Diego Local Coastal Program (LCP), Land Use Plan and implementing Ordinances. If adopted by the City, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment will not become effective in the Coastal Zone until after approval by the California Coastal Commission.

3. Amendments to the A-1 zone and Planned Residential Development (PRD) ordinance to eliminate the use of the one-dwelling-unit-per-four-acres option on designated properties (See Zone Map, Drawing No. C-850) and to clarify that retention of future development opportunities under the "Rural Cluster" (one dwelling unit per ten acres) development option does not supersede requirements of the Resource Protection Ordinance for preservation of sensitive resources.

4. Rezoning of seven parcels from agricultural, A-1-1 zone, to agricultural, A-1-10 zone (See Zone Map Drawing No. C-851).

5. Amendments to the Planned Residential Development (PRD) ordinance to reference the subarea plan requirement in the Framework Plan.

6. Amendments to the Planned Residential Development ordinance to reference the Framework Plan regarding facilities requirements that must be satisfied in order for development at a greater intensity than one unit per ten acres to proceed prior to approval of subarea plans.

7. Adoption of an interim development impact fee for public facilities to be levied in the interim period before a Public Facilities Financing Plan is adopted by the City Council.

8. Amending Council Policies 600-29 and 600-30.

9. Certification of Environmental Impact Report EIR-91-0809 and adoption of Findings and Statement of Overriding Considerations.

10. Adoption of an amendment to the Progress Guide and General Plan, Guidelines for Future Development, to

re-affirm and clarify the previous City Council action of October 1990.

11. Certification of Environmental Impact Report  
EIR-90-0526.

(North City Future Urbanizing Area. District-1.)

Subitem-A: (R-93-332)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-91-0809 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-333)

Adoption of a Resolution declaring that Environmental Impact Report EIR-90-0526 has been previously reviewed and certified by this Council on October 1, 1990.

Subitem-C: (R-93-334)

Adoption of a Resolution amending Council Policy 600-29.

Subitem-D: (R-93-335)

Adoption of a Resolution amending Council Policy 600-30.

Subitem-E: (R-93-336)

Adoption of a Resolution adopting the North City Future Urbanizing Area Framework Plan as an amendment to the Open Space and Transportation Elements of the Progress Guide and General Plan, and the Guidelines for Future Development, and incorporating the Framework Plan into the Progress Guide and General Plan for the City of San Diego.



Subitem-F: (R-93-337)

Adoption of a Resolution amending the Progress Guide and General Plan, Guidelines for Future Development, to reaffirm and clarify previous City Council action of October 1990.

Subitem-G: (O-93-33)

Introduction of an Ordinance adopting various rezonings within the North City Future Urbanizing Area.

Subitem-H: (O-93-34)

Introduction of an Ordinance amending Chapter X, Article 1, Division 9, of the San Diego Municipal Code.

Subitem-I: (O-93-35)

Introduction of an Ordinance amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code.

Subitem-J: (R-93- )

Adoption of a Resolution adopting an interim development impact fee to be levied in the interim period before a Public Facilities Financing Plan is adopted by the City Council.

FILE LOCATION: LAND - Progress Guide and General Plan

COUNCIL ACTION: (Tape location: B046-160.)

MOTION BY BEHR TO CONTINUE TO A SPECIAL MEETING ON THURSDAY, OCTOBER 1, 1992 AT 1:00 P.M., AT THE REQUEST OF MAYOR O'CONNOR BECAUSE COMPREHENSIVE CONSIDERATION OF THIS ISSUE IS EXPECTED TO REQUIRE MORE TIME THAN IS USUALLY AVAILABLE DURING A REGULAR CITY COUNCIL MEETING AND FOR A RECOMMENDATION FROM THE PLANNING COMMISSION. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S400: DEEMED DENIED

In the matter of a request for reconsideration of the City Council's action on Monday, September 14, 1992, in adopting Resolution R-280659 (Non Docket 1), excusing Councilmember Bob Filner from the Council meetings of Monday, August 10, 1992 and Tuesday, August 11, 1992 to attend to official City business in Washington, D.C., relating to funding in the federal government's budget of the City of San Diego's Clean Water program and reimbursement for treatment of Tijuana sewage.

On September 14, 1992, Council voted 7-0 (District 1 and Mayor O'Connor not present) to adopt Resolution R-280659.

Subitem-A:

A motion to suspend Rule 2 of the Permanent Rules of the Council (Municipal Code Section 22.0101) which requires that reconsideration of an item occur on the same date that the item was acted upon by the City Council.

Subitem-B:

A motion to reconsider the matter.

Subitem-C: (R-93- )

Excusing Councilmember Bob Filner from attending the regularly scheduled Council meetings of Monday, August 10, 1992 and Tuesday, August 11, 1992, to attend to official City business in Washington, D.C., relating to funding in the federal government's budget of the City of San Diego's Clean Water Program and reimbursement for treatment of Tijuana sewage.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B281-371.)

Motion by Stevens to suspend Rule 2 of the Permanent Rules of the Council which requires that reconsideration of an item occur on the same date that the item was acted upon by the City Council. No second.

ITEM-S401:

(Continued from the meetings of August 10, 1992, Item S410 and September 14, 1992, Item 191; last continued at Councilmember McCarty's request to review background materials.)

Briefing by the Department of Legislative Services:

Subitem-A: (R-93-244) ADOPTED AS RESOLUTION R-280712

Endorsing HR 2056, Shipbuilding Trade Reform Act, and its companion Senate Bill, S. 1361, and urging Senate approval of HR 2056 in order to preserve and protect the shipbuilding and repair business in San Diego and the rest of the nation.

(See Department of Legislative Services Report DLS-92-28.)

Subitem-B: (R-93-245) TRAILED TO SEPTEMBER 22, 1992

Supporting AB 3825 (Brown): California Civil Rights Restoration Act of 1992; directing the Department of Legislative Services and the City's Sacramento advocates to communicate the City's support to appropriate members of the State Legislature and the Governor.

(See Department of Legislative Services Report DLS-92-29.)

COMMITTEE ACTION: Forwarded to full Council due to the canceled COMM meeting of 8/5/92 (Agenda Item 5).

FILE LOCATION: Subitem-A: MEET; Subitem-B: --

COUNCIL ACTION: (Tape location: B371-551.)

MOTION BY FILNER TO ADOPT SUBITEM-A SUPPORTING THIS LEGISLATION. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Motion by Stallings to adopt Subitem-B supporting this legislation. Second by Filner. Failed by the following vote: Yeas-3,5,6,8. Nays-2,4,7. Not present-1,M.

ITEM-S402: (R-93- ) CONTINUED TO OCTOBER 6, 1992 AT 10:00 A.M.

(Continued from the meetings of June 23, 1992, Item 333b, July 8, 1992, Item 601, July 28, 1992, Item 204, August 4, 1992, Item S502 and September 15, 1992, Item 334; last continued at Councilmember Behr's request, for answers to questions from Mr. D. Eichhoff, particularly the inequity on the cost of water among various classes of users.)

Consider amending certain currently effective water and/or sewer rate structures in response to recommendations of the Citizens' Water and Sewer Review Committee.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B160-170.)

MOTION BY BEHR TO CONTINUE TO OCTOBER 6, 1992 AT 10:00 A.M. AT THE REQUEST OF THE MAYOR SO SHE CAN BE PRESENT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S403: CONTINUED TO OCTOBER 6, 1992 AT 10:00 A.M.

(Continued from the meetings of March 16, 1992, Item S408, March 23, 1992, Item S411, March 31, 1992, Item S500, April 28, 1992, Item 335, May 26, 1992, Item 334 and June 23, 1992, Item 334; trailed from of 9/8/92; continued from the meeting of September 14, 1992, Item 200; at Mayor O'Connor's request, to allow her to be present.)

In the matter of proposed wholesale water rate increases by Metropolitan Water District of Southern

California (MWD) and San Diego County Water Authority (CWA).

(See memorandums from the City Manager dated 9/9/92, 3/20/92, 3/16/92, and 3/10/92.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: B160-170.)

MOTION BY BEHR TO CONTINUE TO OCTOBER 6, 1992 AT 10:00 A.M. AT THE REQUEST OF THE MAYOR SO SHE CAN BE PRESENT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S404: (R-92-1473) CONTINUED TO OCTOBER 6, 1992 AT 10:00 A.M.

(Continued from the meetings of March 31, 1992, Item S502, April 28, 1992, Item 336, May 26, 1992, Item 335 and June 23, 1992, Item 335; trailed from 9/8/92; continued from the meeting of September 14, 1992, Item 201, at the City Manager's request, to be heard with a companion item.)

Reducing the City's water conservation goal by 10 percent.

CITY MANAGER SUPPORTING INFORMATION: The City Council responded to a fifth year of statewide drought conditions by establishing a citywide water conservation goal of 20 percent on April 12, 1991. City residents demonstrated their commitment to water conservation by conserving an average of 26 percent between April and December 1991. Increased statewide precipitation and runoff levels have resulted in an improved water supply situation. Officials from the State Water Project recently announced that water deliveries to urban areas were increased to 35 percent of normal, up from the 20 percent level estimated in January 1992. These events prompted the Metropolitan Water District of Southern California (MWD) and the San Diego County Water Authority (CWA) to announce earlier this month a reduction in required water conservation levels. The CWA has requested that their member agencies attain a 10 percent conservation savings between March

and September 1992. In light of the CWA's actions, it is recommended that the City reduce its citywide conservation goal from the current 20 percent to 10 percent.

NOTE: See Item S403 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B160-170.)

MOTION BY BEHR TO CONTINUE TO OCTOBER 6, 1992 AT 10:00 A.M. AT THE REQUEST OF THE MAYOR SO SHE CAN BE PRESENT. Second by Stallings. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S405: (R-92-2640) ADOPTED AS RESOLUTION R-280713

(Continued from the meetings of August 10, 1992, Item 203, and September 14, 1992, Item 206; last continued at the City Manager's request, due to ongoing discussions with the City Attorney's office.)

Declaring Caves Construction, Inc. and its principals, Jose Caves and Hortencia Torrez to be non-responsible bidders and therefore ineligible to bid on City requirements for a period of three years.

CITY MANAGER SUPPORTING INFORMATION: Caves Construction Company, Inc. has received several City construction contracts over the past few years. The City Attorney recently brought it to the attention of the Purchasing Department that the City has entered into a major civil lawsuit against Caves, Inc. The City complaint alleges four causes of action: (1) Violation of City codes related to illegal dumping; (2) Illegal land development work; (3) Maintenance of a public nuisance; (4) Unfair business practices. Since at least April 23, 1991, Mr. Jose Caves has permitted Caves, Inc. and others to illegally dump excavation material, concrete, rubble and fill dirt upon three parcels of land owned by Mr. Caves in the Dillons Trail area of Otay Mesa. Some of the dumped material has been directly traced to two City projects on which Caves, Inc. was working. The parcels in question are vacant land which spans natural canyons. No land development permit has been applied for. The dumping has

persisted despite several notices of violation. The City Attorney estimates that the illegal dumping has saved Caves, Inc. over \$100,000 in dumping fees.

FILE LOCATION: CONT - Caves Construction, Inc.

COUNCIL ACTION: (Tape location: B170-218; C003-292.)

Motion by Hartley to continue to October 15, 1992, at the contractor's request, pending a settlement conference on civil litigation for code violations. No second.

MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S406: (R-93-514) ADOPTED AS RESOLUTION R-280714

Proclaiming September 21, 1992 as "City of San Diego POW/MIA Recognition Day," to honor those military men and women who have returned and to ensure that those who are missing are not forgotten; declaring that the POW/MIA flag will fly over the proceedings of the September 21, 1992 City Council meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-266.)

MOTION BY BEHR TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

\* ITEM-S407: (R-93-170) ADOPTED AS RESOLUTION R-280715

A Resolution approved by the City Council in Closed Session on Tuesday, October 8, 1991 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-yea; Stevens-not present; Behr-not present; Stallings-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Attorney to engage the firm of Gray, Cary, Ames & Frye to represent the City of San Diego in connection with its claims against Integral Systems, Inc., Superior Court Case No. 644503, City of San Diego v. Integral Systems, Inc., et al; authorizing the City Auditor and Comptroller to expend the amount of \$200,000 from the Public Liability Reserve Fund (Fund 81140) for the purpose of providing funds for this case.

Aud. Cert. 9300293.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B218-281.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 5:22 p.m. in honor of the memory of Frances Shinnick O'Connor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E286-313).